



DEPARTMENT OF STATE

Washington, D.C. 20520

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February 6, 1968

Issues PaperImplementation of Conte-Long and
Symington Amendments

Some of the major issues raised by the Amendments are:

A. The Administration's Posture

1. The Administration tried to convince Congress last year, and did not succeed, that we had been doing all in our power to hold down LDC expenditure on arms. The result was the addition to the foreign aid legislation of the Conte-Long and Symington Amendments. These are now law and we must convince the Congress that we are taking them seriously. At the same time we should not hide the fact that serious foreign policy problems are created by the implementation of these Amendments. While Congress seemed clear in its intent, we do not believe that individual sponsors of these Amendments foresaw the particularly difficult and perhaps destructive consequences which might flow from their implementation in specific cases.

2. We must now, through the consultation process, attempt to convince members of Congress that we are taking the purpose of these Amendments seriously and that we will attempt to achieve the goals of this legislation while at the same time avoiding actions which the Executive Branch feels would have disastrous consequences for our vital interests.

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B. The Problem of Interpretation

1. The Conte-Long Amendment: The key issue here is whether the amendment prescribes a relatively inflexible sophisticated weapon list--as claimed by its sponsors--or whether it allows an Executive Branch determination of whether a weapons system is "sophisticated" in light of the country's military situation, the threat it faces, and the equipment level reached by its own and neighboring forces.

(The legislative history preponderantly suggests that the sponsors and supporters had in mind a relatively inflexible list. This was also the Executive Branch interpretation in memoranda submitted to the House and Senate Appropriations Committees in opposition to the Amendments.)

2. The Symington Amendment is more flexible--and defensible in the eyes of foreign governments--but raises a problem of finding standards for judging problem cases.

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The Amendment explicitly provides for a dual criterion for appraising the defense expenditures of aid recipient countries:

- and,
- a. Whether the expenditures are unnecessary;
 - b. whether they materially interfere with development.

C. The Problem Cases

Major problem cases, discussed in the separate suggested talking paper (Tab C), include:

1. Peru: The level of defense spending and purchases of advanced weapons, including Mirages, tanks, etc.
2. Brazil, Argentina, Chile: What to do on the United States offer to authorize the commercial sale of F-5 aircraft.
3. Morocco: How to respond to King Hassan's request for additional F-5 aircraft under the \$14 million credit sale.
4. Jordan: How to deal with the Jordanian request for supersonic aircraft and tanks.
5. The Indian Sub-Continent: Although Indian and Pakistani purchases predate the Amendments, the Congress may expect us to take some steps in the spirit of the Amendments.
6. Other likely problem cases (not discussed in the talking paper) are Afghanistan, the purchase of French tanks by Argentina, the intentions of the Congo to purchase Italian Macchi jets, the desire of Ethiopia for additional F-5 aircraft, the acquisition of MIGs by Nigeria.

D. Congressional Consultations

Our objectives in these consultations would be:

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1. To convey our intent to enforce the Amendments, but point out the numerous difficulties these Amendments represent for the United States.

2. To ascertain Congressional attitudes towards some of the problem countries on which the Administration must make decisions in the near future.

3. To obtain acquiescence in general terms to the approach we plan to adopt in applying the Amendments.

4. To begin laying the groundwork for possible repeal of the Conte-Long Amendments.

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